IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

OP.No. 28029 of 2001(S)

PETITIONER:

G. JAYAKUMAR, GANGMATE (GANG NO.3, NEM)
SSE/P.WAY/OFFICE, THIRUVANANTHAPURAM

BY ADV. SRI.V.RAJENDRAN

RESPONDENTS:
---
1. THE SENIOR DIVISIONAL PERSONAL OFFICER,
DIVISIONAL OFFICE, SOUTHERN RAILWAY,
TRIVANDRUM

2. UNION OF INDIA REP. BY THE SECRETARY,
MINISTRY OF RAILWAYS,
GOVT. OF INDIA, NEW DELHI.

BY ADV. SRI.VARGHESE P.THOMAS, SC, RAILWAYS
SRI.K.V.SADANANDA PRABHU,SR.SC.RAILWAYS
SRI.M.V.RAMACHANDRAN THAMPI,SC,RAILWAYS
SMT.M.R.SREELETHA, SC, RAILWAYS

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 28029 of 2001

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF CIRCULAR DATED 27.6.2000 OF THE FIRST RESPONDENT

EXT.P2- TRUE COPY OF LETTER DATED 13.6.01 of the 1ST RESPONDENT

EXT.P3- TRUE COPY OF REP. DATED 20.6.01 OF THE PETITIONER

EXT.P4- TRUE COPY OF O.A.554/01 FILED BY THE PETITIONER

EXT.P5- TRUE COPY OF THE STATEMENT DATED 30.7.01 OF THE 1ST PETITIONER

EXT.P6- TRUE COPY OF THE REJOINDER SUBMITTED BY THE PETITIONER.

EXT.P7- TRUE COPY OF ORDER DATED 24.8.2001 OF THE CAT IN O.A.554/01

(TRUE COPY)

P.A TO JUDGE

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ

O.P. 28029/2001

Dated this the 16th day of July, 2007

JUDGMENT

Radhakrishnan, J.

This writ petition is preferred against the order of the Central Administrative Tribunal in O.A.554/2001. Petitioner was working as a Gang mate participated in the written test for selection and appointment to the post of Supervisor, Permanent Way. Though he had participated in the written test, he was not called for viva-voce. Eight persons belonging to general category were called upon to participate in the viva voce. Petitioner belongs to the Scheduled Caste community then submitted an application before the C.A.T.

2. First respondent had filed a statement before the Tribunal stating that only those candidates who had obtained 60% marks in the written test alone were called for the viva voce and the petitioner did not satisfy that requirement. Hence he was not called for the viva voce. Tribunal, therefore, rejected the application, since he had not satisfied the minimum required marks of 60%.

Petitioner had secured only 51%marks in the written test, hence was not eligible to be called for Viva voce.

3. In the facts and circumstances of the case, we find no illegality in not calling the petitioner for viva voce test. Writ petition lacks merits and hence dismissed.

K.S.RADHAKRISHNAN
Judge

ANTONY DOMINIC
Judge

mrcs